

# **Exhibit H**

CLOSED

**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:07-cv-01004-JLS-AJB**

Anticancer, Inc. v. Carestream Health Inc. et al  
Assigned to: Judge Janis L. Sammartino  
Referred to: Magistrate Judge Anthony J. Battaglia  
Cause: 28:1338 Patent Infringement

Date Filed: 06/01/2007  
Date Terminated: 08/05/2008  
Jury Demand: Both  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**Anticancer, Inc.**  
*a California Corporation*

represented by **Daniel A Lawton**  
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V.

**Defendant**

**Carestream Health Inc.**  
*a New Jersey corporation*

represented by **Sony B. Barari**  
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**Defendant**

**DOES 1-50**

**Counter Claimant**

**Carestream Health Inc.**  
*a New Jersey corporation*

represented by **William Paul Schuck**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**Anticancer, Inc.**  
*a California Corporation*

represented by **Daniel A Lawton**  
(See above for address)  
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*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
06/01/2007	<u>1</u>	COMPLAINT against Eastman Kodak Company, DOES 1-50 with Jury Demand (Filing fee \$ 350 receipt #138885.) , filed by Anticancer, Inc..(ldp)(bar, ).

		Additional attachment(s) added on 6/5/2007 (ldp, ). (Entered: 06/04/2007)
06/01/2007	<u>2</u>	Summons Issued as to Eastman Kodak Company, DOES 1-50. (ldp) (Entered: 06/04/2007)
06/27/2007	<u>3</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint by Eastman Kodak Company. (Schuck, William) (Entered: 06/27/2007)
06/28/2007	<u>4</u>	Discrepancy Order by Judge John A. Houston accepting document: <u>3</u> - Joint motion for extension of time from William Schuck for Defendant Eastman Kodak Company, non-compliance with local rule ECF 2(h) - Includes a proposed order or requires judge's signature. Signed by Judge John A. Houston on 06/28/07. (jpp) (Entered: 06/28/2007)
06/28/2007	<u>5</u>	ORDER granting <u>3</u> Joint Motion for 30 day extension of time for Eastman Kodak Company to respond to complaint to 07/31/07. Signed by Judge John A. Houston on 06/28/07(jpp) (Entered: 06/28/2007)
07/16/2007	<u>6</u>	SUMMONS Returned Executed by substituted service upon Eastman Kodak Company (papers were mailed 06/05/07) by Anticancer, Inc.. (jpp) (Entered: 07/16/2007)
07/31/2007	<u>7</u>	<i>Eastman Kodak Company's</i> ANSWER to Complaint with Jury Demand, COUNTERCLAIM against Anticancer, Inc. by Eastman Kodak Company.(Schuck, William) (Entered: 07/31/2007)
07/31/2007	<u>8</u>	NOTICE of Party With Financial Interest by Eastman Kodak Company <i>pursuant to Civil L.R. 40.2</i> (Schuck, William) (Entered: 07/31/2007)
08/01/2007	<u>9</u>	NOTICE and ORDER setting Early Neutral Evaluation set for 9/25/2007 02:00 PM in Courtroom F before Magistrate Judge Nita L. Stormes. Signed by Judge Nita L. Stormes on 08/01/07. (jpp) (Entered: 08/01/2007)
09/17/2007	<u>10</u>	NOTICE by Eastman Kodak Company of related case(s) 05-0448, 07-0097 (Attachments: # <u>1</u> Exhibit A: AntiCancer v. Kodak Complaint# <u>2</u> Exhibit B: AntiCancer v. Xenogen Complaint# <u>3</u> Exhibit C: AntiCancer v. Cambridge Research Complaint)(Schuck, William) (low # order prepared per ct)(jpp, ). (Entered: 09/17/2007)
09/20/2007	<u>11</u>	MOTION to Consolidate Cases <i>for Claim Construction Proceedings</i> by Eastman Kodak Company. (Attachments: # <u>1</u> Notice Motion to Consolidate# <u>2</u> Memo of Points and Authorities in Support of Motion to Consolidate)(Schuck, William) (vrp). (Entered: 09/20/2007)
09/21/2007	<u>12</u>	MINUTE ORDER VACATING EARLY NEUTRAL EVALUATION CONFERENCE: On September 17, 2007, Defendant Eastman Kodak Company filed a Notice of Related Cases <u>10</u> , advising the Court of two related matters, AntiCancer, Inc. v. Xenogen Corp., et al., Case No. 05-CV-0448 J (AJB) filed on March 7, 2005, and AntiCancer, Inc. v. Cambridge Research & Instrumentation, et al., Case No 07-CV-0097 WQH (RBB) filed on January 12, 2007. On September 20, 2007, Defendant filed a Motion to Consolidate Cases for Claim Construction Proceedings <u>11</u> , currently pending and set for hearing

		before District Judge William Q. Hayes on October 29, 2007. In light of these recent filings and due to the current procedural posture of the case, the Early Neutral Evaluation Conference ("ENE") previously scheduled for September 25, 2007 at 2:00 p.m. before Magistrate Judge Stormes is hereby VACATED. The Court shall reset the ENE for a later date in the event that it becomes appropriate to do so. IT IS SO ORDERED. Signed by Hon. Nita L. Stormes, 9/21/2007. (amk) (Entered: 09/21/2007)
10/11/2007	<u>13</u>	Joint MOTION to Substitute Party <i>Carestream Health, Inc. for Defendant Eastman Kodak Co.</i> by Eastman Kodak Company. (Schuck, William) (jpp, ). (Entered: 10/11/2007)
10/15/2007	<u>14</u>	NON Opposition re <u>11</u> MOTION to Consolidate Cases <i>for Claim Construction Proceedings</i> filed by Anticancer, Inc.. (Lawton, Daniel) (jpp, ). (Entered: 10/15/2007)
10/15/2007	<u>15</u>	ORDER granting <u>13</u> Joint Motion to Substitute Carestream Health Inc. for Defendant Eastman Kodak Company. Signed by Judge John A. Houston on 10/15/07. (jpp) (Entered: 10/15/2007)
10/16/2007	<u>16</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge Janis L. Sammartino and Magistrate Judge Anthony J. Battaglia for all further proceedings. Judge John A. Houston, Nita L. Stormes no longer assigned to case. Signed by Judge John A. Houston on 10/15/2007 (mkz)(mam). (Entered: 10/16/2007)
10/22/2007	<u>17</u>	NOTICE of Appearance by Sony B. Barari on behalf of Carestream Health Inc. (Barari, Sony) (mkz). (Entered: 10/22/2007)
10/24/2007	<u>18</u>	CERTIFICATE OF SERVICE by Carestream Health Inc. re <u>17</u> Notice of Appearance (Barari, Sony) (mkz). (Entered: 10/24/2007)
10/29/2007	<u>19</u>	ORDER Setting Case Management Conference: A Case Management Conference shall be held on 11/15/2007 at 09:30 AM in Courtroom A before Magistrate Judge Anthony J. Battaglia. Signed by Judge Anthony J. Battaglia on 10/25/2007. (mkz)(mam). (Entered: 10/29/2007)
11/02/2007	<u>20</u>	ORDER denying without prejudice Motion to Dismiss and granting <u>11</u> Motion for partial consolidation: The Court directs the parties to commence jurisdictional discovery consistent with the requirements of this order. The Court partially consolidates 07cv97 with 07cv1004 for purposes of the claim construction of the common patents-in-suit. All documents relating to the consolidated proceedings shall be filed only in 07cv97. After the Court issues an order on claim construction for these common patents, the parties shall file a joint motion to unconsolidate the cases. Signed by Judge Janis L. Sammartino on 11/2/2007. (mkz)(mam). (Entered: 11/05/2007)
11/14/2007	<u>21</u>	REPORT of Rule 26(f) Planning Meeting. (Attachments: # <u>1</u> Proof of Service)(Lawton, Daniel) (mkz). (Entered: 11/14/2007)
11/15/2007	<u>22</u>	Minute Entry for proceedings held before Judge Anthony J. Battaglia : Case Management Conference held on 11/15/2007. Order to follow.(Tape

		<p> #(n/a)).(Plaintiff Attorney W. Paul Schuck).(Defendant Attorney Dan Lanton). (ymm) (Entered: 11/19/2007)</p>
11/19/2007	<u>23</u>	<p> SCHEDULING ORDER: A Case Management Conference was held on 11/15/07. A Final Pretrial Conference is set for 2/27/2009 at 10:30 AM in Courtroom 6 before Judge Janis L. Sammartino. Memorandum of Contentions of Fact and Law due by 2/12/2009, Proposed Pretrial Order due by 2/20/2009. A Claim Construction Hearing is set for 4/22/2008 at 09:00 AM in Courtroom 6 before Judge Janis L. Sammartino. Signed by Judge Anthony J. Battaglia on 11/19/2007. (mkz)(mam). (Entered: 11/19/2007)</p>
11/19/2007	<u>24</u>	<p> ORDER Following 11/15/07 Case Management Conference: A Settlement Conference is set for 12/18/2007 at 01:30 PM in Courtroom A before Magistrate Judge Anthony J. Battaglia. Counsel will submit and exchange settlement briefs no later than five court days before the conference, including any DVDs or tutorial information to be provided to the Court. Signed by Judge Anthony J. Battaglia on 11/19/2007. (mkz)(mam). (Entered: 11/19/2007)</p>
11/20/2007	<u>25</u>	<p> Minute Entry for proceedings held before Judge Anthony J. Battaglia : Settlement Conference set for December 18, 2007 is continued to January 7, 2008 at 01:30 PM in Courtroom A before Magistrate Judge Anthony J. Battaglia.(Tape #(n/a)). (sc) (Entered: 11/20/2007)</p>
01/07/2008	<u>27</u>	<p> Minute Entry for proceedings held before Judge Anthony J. Battaglia : Settlement Conference held on 1/7/2008. Order to follow.(Tape #(n/a)).(Plaintiff Attorney Dan Lawton, Reza Savari, Robert M. Hoffman).(Defendant Attorney Stephen Hunkins, Paul Schuck, Julie lewis). (ymm) (Entered: 01/09/2008)</p>
01/08/2008	<u>26</u>	<p> ORDER Following 01/07/08 Settlement Conference: The Court will hold a telephonic Settlement Status Conference on 1/28/2008 at 09:30 AM before Magistrate Judge Anthony J. Battaglia. Signed by Judge Anthony J. Battaglia on 01/07/2008 (mkz) (mam). (Entered: 01/08/2008)</p>
01/15/2008	<u>28</u>	<p> NOTICE by Anticancer, Inc. <i>Letter in Response to Jamie DiBoise Letter</i> (Lawton, Daniel) (mkz). (Entered: 01/15/2008)</p>
01/18/2008	<u>29</u>	<p> NOTICE by Carestream Health Inc. <i>Letter In Response to James DiBoise's January 10, 2008 Letter</i> (Pistorino, James) (mkz). (Entered: 01/18/2008)</p>
01/28/2008	<u>30</u>	<p> ORDER Following Settlement Status Conference: The Court held a Settlement Status Conference on 1/28/08. Signed by Judge Anthony J. Battaglia on 1/28/08. (mkz) (av1, ). (Entered: 01/28/2008)</p>
01/28/2008	<u>31</u>	<p> Minute Entry for proceedings held before Judge Anthony J. Battaglia : Telephonic Settlement Status Conference held on 1/28/2008. Order to follow.(Tape #(n/a)).(Plaintiff Attorney Dan Lawton).(Defendant Attorney Steve Hankins, Julie Lewis, Dr. Hoffman (telephonic)). (ymm) (Entered: 01/30/2008)</p>
02/05/2008	<u>32</u>	<p> ORDER Rescheduling Hearing Dates and Vacating Dates for Filing of Claim Construction Briefs and Markman Hearing: The Court vacates the 4/22/08 Markman Hearing. The Court denies the proposal by the defendants to hold a joint Markman hearing on the Anticancer patens at issue in all three cases. The</p>

		Court denies as Moot Mr. DiBoise's request to reschedule the Markman hearing. Signed by Judge Janis L. Sammartino on 02/5/08. (mkz) (av1, ). (Entered: 02/05/2008)
03/19/2008	<u>33</u>	Ex Parte MOTION for Order <i>Modifying Briefing Schedule On Defense Summary Judgment Motions</i> by Anticancer, Inc.. (Attachments: # <u>1</u> Proof of Service)(Lawton, Daniel) (mkz). (Entered: 03/19/2008)
03/23/2008	<u>34</u>	RESPONSE in Support re <u>33</u> Ex Parte MOTION for Order <i>Modifying Briefing Schedule On Defense Summary Judgment Motions</i> filed by Anticancer, Inc.. (Attachments: # <u>1</u> Proof of Service)(Lawton, Daniel) (mkz). (Entered: 03/23/2008)
03/26/2008	<u>35</u>	ORDER Granting in Part <u>33</u> Ex parte Application for Order Modifying Briefing Schedule on Summary Judgment Motions and Setting New Briefing Schedule for Merck & Co., Inc.'s Summary Judgment Motion: Plaintiff shall file its opposition to Merck's motion for summary judgment by 4/24/08. Merck shall file its reply by 5/1/08. The briefing schedule on NIBRI's motion shall remain unchanged. (motions filed in case 07cv97). Signed by Judge Janis L. Sammartino on 03/26/08. (mkz)(av1, ). (Entered: 03/26/2008)
04/03/2008	<u>36</u>	MOTION for Summary Judgment of <i>Non-Infringement</i> by Carestream Health Inc.. (Attachments: # <u>1</u> Memo of Points and Authorities # <u>2</u> Declaration of William E. McLaughlin in Support of Motion for Summary Judgment)(Hankins, Stephen) (mkz). (Entered: 04/03/2008)
04/03/2008	<u>37</u>	DECLARATION re <u>36</u> MOTION for Summary Judgment of <i>Non-Infringement of W. Paul Schuck</i> by Defendant Carestream Health Inc.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Schuck, William) (mkz). (Entered: 04/03/2008)
04/14/2008	<u>38</u>	ORDER Granting One Day Extension in Briefing on <u>36</u> MOTION for Summary Judgment: Plaintiff shall file its opposition briefs by 4/25/08. Defendants shall file their reply briefs by 5/2/08. Signed by Judge Janis L. Sammartino on 04/14/08. (mkz) (Entered: 04/14/2008)
04/25/2008	<u>39</u>	Joint MOTION for Order <i>Permitting to File Under Seal</i> by Anticancer, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Kracht, Joseph) (mkz). (Entered: 04/25/2008)
04/25/2008	<u>40</u>	RESPONSE in Opposition re <u>36</u> MOTION for Summary Judgment of <i>Non-Infringement</i> filed by Anticancer, Inc.. (Attachments: # <u>1</u> Memo of Points and Authorities in Opposition to NIBRI's Motion, # <u>2</u> Memo of Points and Authorities in Opposition to Carestream's Motion, # <u>3</u> Declaration Robert M. Hoffman, # <u>4</u> Declaration Dan Lawton, # <u>5</u> Appendix Index to Exhibits, # <u>6</u> Exhibit Exhibits 1-10, # <u>7</u> Exhibit Exhibits 11-20, # <u>8</u> Exhibit Exhibits 21-30, # <u>9</u> Exhibit Exhibits 31-36, # <u>10</u> Exhibit Exhibits 37-44, # <u>11</u> Proof of Service)(Lawton, Daniel) (mkz). (Entered: 04/25/2008)
04/28/2008	<u>41</u>	ORDER Granting <u>39</u> Joint Motion to File Documents Under Seal: Plaintiff and countderdefendant AntiCancer, Inc may file documents pertaining to its opposition to defendant and counterclaimant Carestream Health Inc, motion for summary judgment under seal. Signed by Judge Janis L. Sammartino on



		04/28/08. (mkz) (Entered: 04/28/2008)
05/02/2008	<u>42</u>	Notice: <i>Errata to Declaration of Robert M. Hoffman in Opposition to Defendants Merck's, NIBRI's, and Carestream's Motions for Summary Judgment</i> filed by Anticancer, Inc.. (Attachments: # <u>1</u> Declaration Robert M. Hoffman, # <u>2</u> Supplement Robert M. Hoffman's Curriculum Vitae, # <u>3</u> Proof of Service)(Lawton, Daniel) Modified on 5/6/2008(mkz). (Entered: 05/02/2008)
05/02/2008	<u>43</u>	REPLY re <u>36</u> MOTION for Summary Judgment of <i>Non-Infringement</i> filed by Carestream Health Inc.. (Hankins, Stephen) (mkz). (Entered: 05/02/2008)
05/02/2008	<u>44</u>	DECLARATION re <u>43</u> Reply re <i>Motion for Summary Judgment of Non-Infringement</i> by Defendant Carestream Health Inc.. (Attachments: # <u>1</u> Exhibit A)(Barari, Sony) (mkz). (Entered: 05/02/2008)
05/07/2008	<u>45</u>	OBJECTION by Carestream Health Inc. re <u>40</u> Response in Opposition to Motion,, <i>Evidentiary Objections to Declaration of Robert M. Hoffman and to Exhibits submitted by AntiCancer</i> . (Hankins, Stephen) (mkz). (Entered: 05/07/2008)
05/08/2008	<u>46</u>	Minute Order for proceedings held before Judge Janis L. Sammartino : Hearing on motions for summary judgment <u>36</u> held and taken under submission. Court to issue written order (Court Reporter Gayle Wakefield / CRD A Ramos / Plaintiffs Attorney Daniel Lawton & Matt Valenti / Defendants Attorney James Pistorino, Adam Whiting, Karen Crawford, John Cooley, Paul Shuck, Steven Hankins & Teodor J. Holmberg) (acr) Modified on 5/8/2008 to show correct document number <u>36</u> (acr) (Entered: 05/08/2008)
05/09/2008	<u>47</u>	Notice of <i>POST-HEARING SUBMISSION ON CERTAIN INDEPENDENT CLAIMS IN SUPPORT OF CARESTREAM HEALTH, INC.'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT</i> by Carestream Health Inc.. (Hankins, Stephen) Modified on 5/13/2008 to term motion, modify event, atty contacted(mkz). (Entered: 05/09/2008)
05/12/2008	<u>48</u>	Ex Parte MOTION for Leave to File <i>Reply to Post-Hearing Submission of Defendant and Counterclaimant Carestream Health, Inc.</i> by Anticancer, Inc.. (Attachments: # <u>1</u> Proof of Service)(Lawton, Daniel) (Entered: 05/12/2008)
05/14/2008	<u>49</u>	ORDER Granting Merck's Motion for Summary Judgment, Granting NIBRI's Motion for Summary Judgment, Granting in Part and Denying in Part Carestream Health's <u>36</u> Motion for Summary Judgment; Denying as Moot Anticancer's <u>48</u> Ex Parte Motion to File Reply Brief and Requesting Supplemental Briefs on Schedule for Claim Construction: The Court grants Carestream's motion for summary judgment with respect to the 159, 523, 831, and 968 patents in their entirety. The Court grants Carestream's motion with respect to claim 1 of the 038 and 384 patents, and all dependent claims associated with claim 1 in each patents. The Court denies without prejudice Carestream's motion as to the other claims at issue in the 038 and 384 patents. Within seven days of the date that this Order is electronically docketed, any party in the lower or higher numbered action may file a supplemental brief addressing whether these actions should remain partially consolidated for purposes of claim



		construction and proposing a timeline for the claim construction briefs and the Markman hearing.. Signed by Judge Janis L. Sammartino on 05/14/08. (mkz) (Entered: 05/14/2008)
05/21/2008	<u>50</u>	SUPPLEMENTAL DOCUMENT by Carestream Health Inc. <i>Supplemental Brief re Consolidation and Claim Construction Scheduling</i> . (Hankins, Stephen) (mkz). (Entered: 05/21/2008)
05/21/2008	<u>51</u>	SUPPLEMENTAL DOCUMENT by Anticancer, Inc. <i>Supplemental Brief of Plaintiff and Counterdefendant AntiCancer, Inc. Concerning Consolidation and Timeline for Claim Construction in Response to Court's Order Filed May 14, 2008</i> . (Attachments: # <u>1</u> Proof of Service)(Lawton, Daniel) (mkz). (Entered: 05/21/2008)
05/29/2008	<u>52</u>	MOTION for Summary Judgment of <i>Non-Infringement of the '038 Patent and '384 Patent</i> by Carestream Health Inc.. (Attachments: # <u>1</u> Memo of Points and Authorities)(Hankins, Stephen) (mkz). (Entered: 05/29/2008)
05/29/2008	<u>53</u>	DECLARATION re <u>52</u> MOTION for Summary Judgment of <i>Non-Infringement of the '038 Patent and '384 Patent of W. Paul Schuck</i> by Defendant Carestream Health Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Schuck, William) (mkz). (Entered: 05/29/2008)
06/18/2008	<u>54</u>	NOTICE of Change of Address by Daniel A Lawton (Attachments: # <u>1</u> Proof of Service)(Lawton, Daniel) (mkz). (Entered: 06/18/2008)
08/04/2008	<u>55</u>	SCHEDULING ORDER: The Court reschedules the hearing on all motions currently pending before this Court for 10/30/2008 at 10:00 AM in Courtroom 06 before Judge Janis L. Sammartino. Signed by Judge Janis L. Sammartino on 08/04/08. (mkz) (Entered: 08/04/2008)
08/04/2008	<u>56</u>	ORDER Clarifying Briefing Schedule for Rescheduled Motions: The Court clarifies that the briefing schedule for all motions shall remain unchanged. Unless the moving parties file a joint motion for extension of time, the parties shall file opposition and reply briefs consistent with the previous hearing date for all motions. Signed by Judge Janis L. Sammartino on 08/04/08. (mkz) (Entered: 08/04/2008)
08/04/2008	<u>57</u>	NOTICE by Carestream Health Inc. <i>Stipulated Notice of Dismissal of All Claims and Counterclaims with Prejudice</i> (Schuck, William) (mkz). (Entered: 08/04/2008)
08/05/2008		NOTICE of Civil Case Termination per Stipulated Notice of Dismissal (mkz) (Entered: 08/05/2008)

### PACER Service Center

#### Transaction Receipt

08/21/2008 12:46:49

<b>PACER Login:</b>	ns0012	<b>Client Code:</b>	dr v. kodak
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:07-cv-01004-JLS-AJB
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.40